

ESTTA Tracking number: **ESTTA328687**Filing date: **01/25/2010**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	ScottBSullivan
Granted to Date of previous extension	01/23/2010
Address	7214 W 71st Terrace Overland Park, KS 66204 UNITED STATES

Correspondence information	ScottBSullivan 7214 W 71st Terrace Overland Park, KS 66204 UNITED STATES scott@nerd-911.com Phone:913-940-0492
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Applicant Information

Application No	77750223	Publication date	11/24/2009
Opposition Filing Date	01/25/2010	Opposition Period Ends	01/23/2010
Applicants	First Choice Publishing Associates LLC 10053 Lakeview Drive Lenexa, KS 66219 UNITED STATES Wyssmann, Linda G. 10053 Lakeview Drive Lenexa, KS 66219 UNITED STATES Wyssmann, David L. 10053 Lakeview Drive Lenexa, KS 66219 UNITED STATES		

Goods/Services Affected by Opposition

Class 040. First Use: 2009/05/15 First Use In Commerce: 2009/05/15
All goods and services in the class are opposed, namely: Printing of advertising matter

Grounds for Opposition

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
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Attachments	FILED_NOTICE_OF_OPPOSITION_77750223.pdf (6 pages)(183023 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/Scott B Sullivan/
Name	ScottBSullivan
Date	01/25/2010

1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

3 In the matter of trademark application Serial No. 77750223

4 For the mark:

5 MIPRINTSHOP.COM SOLID STABILITY•TRUSTWORTHY•AFFORDABLE•DEPENDABLE•QUICK

6 Published in the Official Gazette on: November 24, 2009

7 Scott B Sullivan,)

8 Opposer,)

9 vs.)

10 David L. Wyssmann,)

11 Linda G. Wyssmann,)

12 And First Choice Publishing)

13 Associates LLC DBA MiPrintShop,)

14 Applicants)

15)
16)
17)
18 NOTICE OF OPPOSITION

19 Scott B. Sullivan("the Opposer"), residing at 7214 W 71st Terrace, Overland
20 Park, KS 66204, believes that he will be damaged by registration of the mark
21 shown in trademark application Serial No. 77750223 ("the Application") and
22 hereby opposes the same. The applicants of record for the Application are:
23 Wyssmann, David L., 10053 Lakeview Drive, Lenexa, Kansas, 66219; Wyssmann,
24 Linda G., 10053 Lakeview Drive, Lenexa, Kansas, 66219, and First Choice
25
26

1 Publishing Associates LLC DBA MiPrintShop, a Limited Liability Company in the
2 State of Kansas, 10053 Lakeview Drive Lenexa, KS 66219. ("the Applicants")
3

4 On December 21, 2009 the Opposer timely filed a request for a 30 day
5 extension of time to oppose the Registration of Applicant's Mark, which
6 extension was granted until January 23, 2009.

7 As grounds for opposition, the Opposer alleges:

- 8 1. The Opposer is the rightful owner of the domain names miprintshop.com,
9 miprintshop.net, miprintshop.org, and miprintshop.info.
- 10 2. Ownership of these domain names was registered on May 25th, 2009 by the
11 Opposer with an ICANN-accredited internet domain name registrar,
12 Godaddy.com, Inc., AN ARIZONA CORPORATION located at 14455 N. Hayden
13 Rd., Suite 219, Scottsdale, AZ, 85260 ("Godaddy").
- 14 3. The applicants submitted the Application on June 2nd, 2009 alleging use
15 in commerce on or before May 15th, 2009 of a mark composed in large part
16 of the domain name "miprintshop.com".
- 17 4. The opposer alleges that the applicants' claim of use of the mark prior
18 to May 26th, 2009 is false, and that the applicants knew the claim to be
19 false at the time that the application was filed.
- 20 5. The opposer also alleges that on December 17th, 2009 the Applicants
21 wrongfully used the Application to initiate a Change of Registrant for
22 the domain name "miprintshop.com" by willfully submitting the
23 Application to Godaddy as proof of ownership for the domain name. The
24 Applicants were aware that the mark was not deserving of registration
25 due to the false claims of use. The Applicants were also aware that the
26

1 Application had not yet been approved for registration, and therefore
2 did not convey any rights of use or implied evidence of ownership.

3 6. Approval of the application would be contrary to the provisions of
4 section 2 of the Lanham Act, would cause harm to the opposer, and would
5 be contrary to the public good.

6 7. Opposer therefore requests that registration of the mark as shown in
7 the Application be refused and that this opposition be sustained in
8 favor of the Opposer.

9 8. Opposer further asserts that because the Applicants acted not only with
10 reckless disregard for the truth, but with malice, with intent to
11 deceive the United States Patent and Trademark Office, with intent to
12 deceive an ICANN-accredited domain name registrar, and with the intent
13 to profit unjustly at the expense of the Opposer, that mere refusal of
14 registration is insufficient to cure the harm done to the USPTO, to the
15 Opposer, and to the public good.

16 9. Wherefore the opposer further requests that the Applicants be enjoined
17 from applying for registration of this or any other mark depicting the
18 domain name "miprintshop.com."

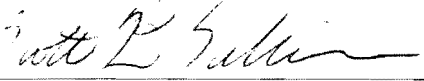
19
20
21 By:  Date: 1/25/2010

22
23 Scott B Sullivan, Opposer
24 7214 W 71st Terrace
Overland Park, KS 66204
25 (913) 940-0492
26

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing Notice of
Opposition was served via Federal Express on applicant David L Wyssmann at
the following address: 10053 Lakeview Avenue, Lenexa, KS 66219

By:



Date:

11/25/2010

Scott B Sullivan, Opposer
7214 W 71st Terrace
Overland Park, KS 66204
(913) 940-0492

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing Notice of
Opposition was served via Federal Express on applicant Linda G Wyssmann at
the following address: 10053 Lakeview Avenue, Lenexa, KS 66219

By: Scott B Sullivan Date: 1/25/2010

Scott B Sullivan, Opposer
7214 W 71st Terrace
Overland Park, KS 66204
(913) 940-0492

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing Notice of
Opposition was served via Federal Express on applicant First Choice
Publishing Associates LLC DBA MiPrintShop at the following address: 10053
Lakeview Avenue, Lenexa, KS 66219

By: Scott B Sullivan Date: 11/25/2010

Scott B Sullivan, Opposer
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